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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,049	12/21/2001	Brian A. Vaartstra	150.0118 0101	5131

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EXAMINER

LE, THAO X

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,049

Applicant(s)

VAARTSTRA, BRIAN A.

Examiner

Thao X Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,290,736 to Evans.

Regarding to claims 1-3, Evans discloses a planarization method fig. 1 and 2 comprising: positioning a metal-containing surface of a substrate, block 100, to interface with a polishing surface, block 102, wherein the metal-containing surface comprises a metal selected from the group consisting of Group VIIIB second and third row metal, a group IB second and third row metal, and combination thereof (although the prior art does not specially disclose the material consisting of Group VIIIB metal, a group IB metal, this feature is seen to be an inherent teaching of that material, because noble metal belongs to Group VIIIB metal), supplying a planarization composition in proximity to the interface and planarizing the substrate surface, wherein the planarization composition comprises a halogen-containing and a halide salt, step 104 and column 4 line12, (although the prior art does not specially disclose the halide salt, this feature is seen to be an inherent teaching, because the Evans discloses a chemically active slurry to polish noble metal comprises halogen and strong basic aqueous solution such as NaOH or KOH, such

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combination would cause the chemical reaction to form halide metal salt, which is an inorganic salt, column 4 lines 62-67 and column 5 lines 1-15).

But Evans does not expressly disclose the halogen-containing compound and halide salt are separately delivered. At the time the invention was made; it would have been obvious to one of ordinary skill in the art to combine the teaching of Evans as claims, because the selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results. In re Burhans, 154 F 2d. 690, 69 USPQ 330 (CCPA 1946). Furthermore, the transposition of process steps or the splitting of one step into two, where the processes are substantially identical or equivalent in terms of function, manner and results, was held not to patentably distinguish the processes. Ex Parte Rubin, 128 USPQ 159 (1959).

Regarding to claims 4-17, please refer to previous Office Action in Paper No 5.

Regarding to claims 18-32, 34-35, 37-47, 49-50, as discussed in claims 1-17, Evans discloses all the limitation as claimed, including the halogen-containing compound is present in the planarization composition in an amount of about 1% to about 10% by weight, column 4 line 50-55.

Regarding to 33, 36, 48, please refer to previous Office Action in Paper no 5.

Regarding to claims 51-53, as discussed in the above claims, Evans discloses all the limitations in claims 51-53.

Response to Arguments

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2. Applicant's arguments with respect to claim 1-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Thao X. Le
December 6, 2002



PHAT X. CAO
PRIMARY EXAMINER